HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.1278 of 2007
Date of decision : 09.03.2007

Tek Chand and others **.....Petitoners**

versus

Jaswant Singh **.....Respondent**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Adarsh Jain, Advocate for the petitioners.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court dated 27.2.2007, whereby an application for sending the disputed sale deed dated 30.7.1990 to the Finger Print Expert, Madhuban for comparison, was declined.

The plaintiffs have earlier examined the Finger Print Expert. Such Expert was cross examined by the defendant. Subsequently, the defendant has examined his own Finger Print Expert and such Expert was cross examined by the plaintiffs. Thereafter, the plaintiff-petitioners moved an application for sending the document to Finger Print Expert, Madhuban for comparison on the point that that in view of the contradictory report of the Finger Print Experts, the report by Government Agency would be relevant.

Learned counsel for the petitioners contends that the opinion of the Finger Print Expert of a Government Agency to determine the question arising between the parties by an independent agency would be relevant. Reference is made to the order of this Court passed in Civil Revision No.1003 of 2000, titled as Smt.Chandro Devi and others versus Suresh Sharma and others, decided on 17.2.2005.

However, I do not find any merit in the present revision petition. The report of the Experts produced by the parties is to assist the Court in forming its opinion in respect of the document in question as to whether it bears the thumb impression/signatures of the executant. Once the parties have led their respective evidence by examining the Experts, it is not open to the petitioners to seek appointment of another Expert. It was open to the plaintiffs to examine any Expert in his evidence. Having failed to get the report from the Finger Print Expert, Madhuban, in affirmative, it is not opened to the petitioners to seek appointment of such Expert at the stage of rebuttal.

The report of the Expert produced by the parties would be examined by the Court as part of appreciation of the evidence by the trial Court. The appointment of third Expert would be meaningless as it would be another report given by another Expert. The order passed by this Court on 17.2.2005 is in peculiar facts and circumstances of the case and does not lay down any principle which needs to be followed.

Consequently, I do not find any illegality or irregularity in the order passed by the learned trial Court which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 9, 2007
**mohinder*